

Application No. 10/813,217 (60000500-1010)
Amendment and Response dated August 15, 2006
Reply to Office Action of June 5, 2006

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REMARKS

Claims 1-4, 17 and 18 have been amended and claims 22-45 have been canceled by this amendment. Upon entry of this amendment, claims 1-21 and 46 are pending. Applicant gratefully acknowledges the allowability of claims 9, 10, 14, 17, 19 and 20.

Rejections under 35 U.S.C. § 112

Applicant requests reconsideration of the rejection of claims 1-21 under 35 U.S.C. § 112 as being indefinite. The claims have been amended to clearly point out that the nitrogen-enriched gas is selectively deliverable to the fuel tank, to the vent or both. Moreover, claim 17 has been amended to provide strict antecedence. Accordingly, the Section 112 rejection has been overcome and applicant requests it be withdrawn.

35 U.S.C. § 102(b) - Claims 1-6, 12, 13, 15, 16, 18 and 21

Applicant requests reconsideration of the rejection of claims 1-6, 12, 13, 15, 16, 18 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,729,359 (Jones). Among other things, each of the claims recites valving operatively connected to the gas separation module selectively delivering nitrogen-enriched gas from the nitrogen-enriched gas flow to the fuel tank without delivering the nitrogen-enriched gas through the fuel tank vent, and selectively delivering nitrogen-enriched gas from the nitrogen-enriched gas flow to the fuel tank vent. Jones does not disclose or suggest an inert gas generating system or aircraft having these elements. Accordingly, the Section 102 rejection is improper and should be withdrawn.

35 U.S.C. § 102(b) - Claim 46

Applicant requests reconsideration of the rejection of claim 46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,729,359 (Jones). Contrary to the examiner's assertion, Jones does not disclose a gas separation module adapted to generate a flow rate of the nitrogen-enriched gas flow of about 40 pounds per minute.

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The reference discloses a module adapted to generate a nitrogen-enriched gas flow only as high as four pounds per minute. Moreover, there is no motivation for modifying the disclosed module to increase the flow rate 1000 per cent. Because every element recited in the claims is not found in the cited reference, the Section 102 rejection is improper and should be withdrawn.

35 U.S.C. § 103(a) - Claims 7, 8 and 11

Applicant requests reconsideration of the rejection of claims 7, 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of U.S. Publication 2004/0141836 (McAuliffe). Each of the claims recites an inert gas generating system comprising valving operatively connected to the gas separation module selectively delivering nitrogen-enriched gas from the nitrogen-enriched gas flow to the fuel tank without delivering the nitrogen-enriched gas through the fuel tank vent, and selectively delivering nitrogen-enriched gas from the nitrogen-enriched gas flow to the fuel tank vent. As discussed above, Jones does not disclose or suggest a system having these elements. McAuliffe also fails to disclose or suggest these elements. Moreover, the combination of these references fails to disclose or suggest a system having these elements. Because each of the elements is not disclosed in or suggested by the cited references the Section 103 rejection is improper and should be withdrawn.

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Conclusion

As it is believed the application is in condition for allowance, a favorable action
an notice of allowance are respectfully requested.

Respectfully submitted,

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